



Department of Defense **DIRECTIVE**

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DA&M

SUBJECT : Department of Defense Section 6 Schools

References: (a) Title 10, United States Code
(b) Section 6 of Public Law 81-874, September 30, 1950, as amended (20 U.S. C. 241)
(c) Section 505(c) of Public Law 97-35, "Omnibus Budget Reconciliation Act of 1981, " August 13, 1981 (20 U. S.C. 241 note)
(d) DoD Directive 1342.16, "Provision of Free Public Education for Eligible Dependent Children Pursuant to Section 6, Public Law 81-874, as amended, " October 16, 1987
(e) through (1), see enclosure 1

A. PURPOSE

This Directive, pursuant to the authority vested in the Secretary of Defense under reference (a) , establishes the Department of Defense (DoD) Section 6 Schools with the mission, organization, responsibilities, functions, relationships, and authorities as prescribed herein.

B. APPLICABILITY AND SCOPE

1. This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Defense Agencies, and the DoD Field Activities, (hereafter referred to collectively as "the DoD Components").

2. The schools (pre-kindergarten through grade 12) operated by the Department of Defense within the Continental United States (CONUS), Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

C. MISSION

The mission of the DoD Section 6 Schools is to provide a free public education of high quality from pre-kindergarten through grade twelve for eligible dependent children of U.S. military personnel and federally employed civilian personnel, when those children are eligible for an education in DoD Section 6 Schools under Pub. L. No. 81-874, Section 6, as amended; Pub. L. No. 97-35, Section 505(c); and DoD Directive 1342.16 (references (b), (c), and (d); and under Pub. L. No. 101-476, as amended by Pub. L. No. 102-119 (reference (e)), to provide a free , appropriate education for dependents with disabilities, ages 3 through 21.

D. ORGANIZATION

The DoD Section 6 Schools Office is established as an organizational element of the DoD Education Activity (DoDEA), a DoD Field Activity operating under the direction, authority, and control of the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)). It shall consist of a Director and such subordinate organizational structures and activities as shall be established by the Director, DoD Section 6 Schools, within the resources authorized by the ASD(FM&P).

E. RESPONSIBILITIES AND FUNCTIONS

1. The Director, DoD Section 6 Schools, shall perform all of the duties necessary to organize, manage, fund, direct, and supervise the complete operation of the DoD Section 6 Schools. These duties include, but are not limited to, the following:

a. Serve as the principal advisor and staff assistant to the ASD(FM&P) on matters relating to the DoD Section 6 Schools.

b. Ensure the development of policies and procedures for the operation, management, budgeting (in accordance with guidance provided by the Comptroller, Department of Defense), construction, and financing of DoD Section 6 Schools and for DoD Section 6 Special Arrangements (as defined in DoD Directive 1342.16 (reference (d)) for eligible dependent children in CONUS, Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, under Pub. L. No. 81-874, as amended, and Pub. L. No. 97-35 (references (b) and (c)), and DoD Directive 1342.16 (reference (d))).

c. Ensure the establishment of elected school boards in DoD Section 6 School Arrangements operating under references (b) and (c). The functions of such school boards shall be to oversee school expenditures and operations, subject to audit procedures established by the Director, Section 6 Schools and consistent with references (b) and (c) and this Directive.

d. Ensure that the free public education being provided under this Directive is, to the maximum extent practicable, comparable to that being provided by comparable public school districts in the State in which the DoD Section 6 School Arrangement or DoD Section 6 Special Arrangement (as defined in DoDD 1342.16 (reference (d))) is located or, if outside of CONUS, Alaska, and Hawaii, as that being provided by the District of Columbia Public Schools.

e. Ensure the establishment of audit procedures for reviewing funding of DoD Section 6 School Arrangements and DoD Section 6 Special Arrangements.

f. Ensure timely and accurate preparation of budget execution reports and full compliance with accounting requirements in accordance with DoD 7220.9-M (reference (f)).

g. Ensure that nonappropriated funds and related activities of DoD Section 6 School Arrangements are reviewed under DoD Directive 7600.6 (reference (g)).

h. Establish guidance for student eligibility for DoD Section 6 School Arrangements.

1. Negotiate **interservice** support agreements with the Military Departments in accordance with DoD Directive 4000.19 (reference (h)).

j. Perform other functions as may be assigned by the ASD(FM&P).

2. The Assistant Secretary of Defense (Force Management and Personnel) shall:

a. Recommend policies and resources for the administration of the DoD Section 6 Schools to the Secretary of Defense.

b. Exercise direction, authority, and control over the Director, DoD Section 6 Schools, through the Director of Education, in accordance with DoD Directive 1342.20 (reference (i)).

c. Issue, as necessary, DoD Instructions, publications, and other guidance implementing this Directive.

3. The Comptroller of the Department of Defense shall provide technical advice and assistance to the Director, DoD Section 6 Schools, on budget and financial management activities of the DoD Section 6 Schools.

4. The General Counsel of the Department of Defense shall:

a. Coordinate on guidance established by the Director, DoD Section 6 Schools, for student eligibility for DoD Section 6 School Arrangements.

b. Provide legal advice on the implementation of this Directive.

5. The Secretaries of the Military Departments shall provide such facilities, logistics, and administrative support as are required for the effective operation of the DoD Section 6 Schools program. Reimbursements for goods and services shall be made in accordance with DoD Directive 4000.19 and DoD Directive 1400.16 (references (h) and (j)). **For** the Purposes of accepting gifts under 10 U.S.C. 2601 (reference (k)) only, the Secretaries of the Military Departments shall be deemed to have jurisdiction over Section 6 Schools located on installations under their respective control.

F. RELATIONSHIPS

1. In the performance of assigned duties, the Director, DoD Section 6 Schools, shall:

a. Exchange information and advice and coordinate actions with DoD Components having collateral or related functions.

b. Use established facilities and services in the Department of Defense and other Government Agencies, whenever practicable, to achieve **maximum** efficiency and economy of operations.

c. Consult and coordinate with other governmental and nongovernmental agencies on matters related to the mission of the DoD Section 6 Schools.

2. All DoD Components shall coordinate with the Director, DoD Section 6 Schools, as appropriate, on all matters relating to the operation of the DoD Section 6 Schools.

G. AUTHORITIES

The Director, DoD Section 6 Schools, is specifically delegated authority to:

1. Execute the responsibilities and functions described in section E, above.

2. Obtain reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 7750.5 (reference (1)), as deemed necessary.

3. Communicate directly with appropriate representatives of the DoD Components and other governmental and nongovernmental agencies on matters related to the DoD Section 6 Schools.

4. Exercise the operational and administrative authorities contained in enclosure 2, when delegated by the ASD(FM&P).

H. ADMINISTRATION

1. The Director, DoD Section 6 Schools, shall be a civilian selected by the ASD(FM&P).

2. Administrative support for Headquarters, DoD Section 6 Schools, and DoD Section 6 Schools field elements shall be provided by the DoD Components.

3. The DoD Section 6 Schools Office shall be authorized such personnel, facilities, funds, and other resources as the Secretary of Defense deems necessary.

I. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. To the extent this Directive and DoDD 1342.16 (reference (d)) are inconsistent, this Directive shall govern.



Donald J. Atwood
Deputy Secretary of Defense

Enclosures - 2

1. References
2. Delegations of Authority

REFERENCES, continued

- (e) Section 23 of Public Law 101-476, "Individuals with Disabilities Education Act (IDEA)," October 30, 1990, as amended (20 U.S.C. 1400 et. seq), as amended by Public Law 102-119, "Individuals with Disability Act Amendments for 1991," October 7, 1991
- (f) DoD 7220.9-M, "Department of Defense Accounting Manual.," October 1983, authorized by DoD Instruction 7220.9, October 22, 1981
- (g) DoD Directive 7600.6, "Audit of Nonappropriated Fund Instrumentalities and Related Activities," April 16, 1987
- (h) DoD Directive 4000.19, "Interservice, Interdepartmental, and Interagency Support," April 15, 1992
- (i) DoD Directive 1342.20, "Department of Defense Education Activity," October 13, 1992
- (j)** DoD Directive 1400.16, **"Inter-departmental** Civilian personnel Administration Support," October 30, 1970
- (k) Section 2601 of Title 10, United States Code
- (l) DoD Directive 7750.5, "Management and Control of Information Requirements ," August 7, 1986

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) or, in the absence of the ASD(FM&P), the person acting for the ASD(FM&P), is hereby delegated authority, as required in administration and operation of the DoD Section 6 Schools, to:

1. Make determinations with respect to recruiting, selecting, removing, disciplining, and taking other actions involving civilian employees of the DoD Section 6 Schools.

2. In accordance with 5 U.S.C. 7532: Executive Orders 10450, 12333, and 12356; and DoD Directive 5200.2, "DoD' Personnel Security Program," May 6, 1992; as appropriate:

a. Designate any position in the DoD Section 6 Schools as a "sensitive" position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the DoD Section 6 Schools for a limited period of time and for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

c. Authorize the suspension, but not terminate the services, of a DoD Section 6 Schools employee in the interest of national security.

3. Authorize and approve:

a. Travel for DoD Section 6 Schools civilian employees, in accordance with Volume II, Joint Travel Regulations.

b. Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DoD Section 6 Schools activities, in accordance with Volume II, Joint Travel Regulations.

c. Overtime work for DoD Section 6 Schools civilian employees in accordance with Chapter 55, Subpart V, of 5 U.S.C. and applicable OPM regulations.

4. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to 44 U.S.C. 3102 and DoD Directive 5015.2, "Records Management Program," March 22, 1991.

5. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, and other public periodicals, as required for the effective administration of the DoD Section 6 Schools consistent with 44 U.S.C. 3702.

6. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M, "DoD Directives System Procedures," December 1990.

7. Enter into support and service agreements with other DoD Components, including the Military Departments, as required for the effective performance of responsibilities and functions assigned to the DoD Section 6 Schools.

8. Enter into and administer contracts directly or through a Military Department, a DoD contract administration services component, or other Government Department or Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DoD Section 6 Schools. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

The **ASD(FM&P)** may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above, or as otherwise provided by law or regulation.

These delegations of authorities are effective immediately.